

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
*See* Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

MAR -8 2012

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

|                       |   |                            |
|-----------------------|---|----------------------------|
| THE STATE OF ARIZONA, | ) | 2 CA-CR 2012-0004-PR       |
|                       | ) | DEPARTMENT A               |
| Respondent,           | ) |                            |
|                       | ) | <u>MEMORANDUM DECISION</u> |
| v.                    | ) | Not for Publication        |
|                       | ) | Rule 111, Rules of         |
| ISRAEL MATA-CAMACHO,  | ) | the Supreme Court          |
|                       | ) |                            |
| Petitioner.           | ) |                            |
| _____                 | ) |                            |

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PINAL COUNTY

Cause No. S1100CR200701457

Honorable Robert C. Brown, Judge Pro Tempore

REVIEW DENIED

Israel Mata-Camacho

Florence  
In Propria Persona

B R A M M E R, Judge.

¶1 Petitioner Israel Mata-Camacho seeks review of the trial court's order summarily denying his petition for post-conviction relief filed pursuant to Rule 32, Ariz. R. Crim. P. We will not disturb that ruling unless the court clearly has abused its discretion. *See State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007).

¶2 Mata-Camacho was convicted after a jury trial of two counts of child molestation and one count of sexual conduct with a minor. The trial court sentenced him to enhanced, presumptive, consecutive prison terms totaling sixty-nine years. We affirmed his convictions and sentences on appeal. *State v. Mata-Camacho*, No. 2 CA-CR 2009-0087 (memorandum decision filed Oct. 30, 2009). Mata-Camacho filed a notice of post-conviction relief, and appointed counsel filed a notice stating she had reviewed the record and found “no colorable claims pursuant to Rule 32.” Mata-Camacho then filed a pro se petition raising a claim of ineffective assistance of trial counsel. The court summarily denied relief.

¶3 Mata-Camacho’s petition for review contains no description of the issues decided by the trial court, facts material to the consideration of those issues, or reasons why the petition should be granted, as required by Rule 32.9(c)(1). He instead attempts to incorporate by reference his petition for post-conviction relief, but that procedure is not permitted. Ariz. R. Crim. P. 32.9(c)(1)(iv). Mata-Camacho’s failure to comply with Rule 32.9 justifies our summary refusal to grant review. *See* Ariz. R. Crim. P. 32.9(c)(1) (petition for review must comply with rule governing form of appellate briefs and contain “reasons why the petition should be granted” and either appendix or “specific references to the record”), (f) (appellate review under Rule 32.9 discretionary); Ariz. R. Crim. P. 31.13(c)(1)(vi) (briefs must contain argument and supporting authority); *see also State v. Bolton*, 182 Ariz. 290, 298, 896 P.2d 830, 838 (1995) (insufficient argument waives claim on review); *State v. French*, 198 Ariz. 119, ¶ 9, 7 P.3d 128, 131 (App. 2000) (summarily rejecting claims not complying with rules governing form and content of

petitions for review), *disapproved on other grounds by Stewart v. Smith*, 202 Ariz. 446, ¶ 10, 46 P.3d 1067, 1071 (2002).

¶4 For the reasons stated, we deny Mata-Camacho's petition for review.

/s/ J. William Brammer, Jr.

J. WILLIAM BRAMMER, JR., Judge

CONCURRING:

/s/ Joseph W. Howard

JOSEPH W. HOWARD, Chief Judge

/s/ Peter J. Eckerstrom

PETER J. ECKERSTROM, Presiding Judge